

VACANCY NOTICE

LEGAL OFFICER

REF: LEG SEC 1/2020

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| Type of contract | Seconded National Expert (SNE) |
| Duration of contract | 12 up to 24 months (with the possibility of extension) |
| Department/Unit | Legal Services Unit |
| Place of employment | Paris, France |
| Deadline for applications | Extended to 6 March 2020 21 February 2020 at 12:00 noon Paris time |
| Reserve list valid until | 31 December 2021 |

The Authority

The European Banking Authority (“EBA”) is an independent European Union Authority established on 1 January 2011 by Regulation (EU) No. 1093/2010 of the European Parliament and of the Council of 24 November 2010¹.

The Mission

With a view to improving the functioning of the European Union internal market, the EBA contributes to ensuring a high quality, effective and consistent level of regulation and supervision in its areas of competence. It also promotes public values such as the stability of the financial system, the transparency of markets and financial products, and the protection of depositors and investors.

It works to prevent regulatory arbitrage and guarantee a level playing field, strengthens international supervisory coordination, promotes supervisory convergence and provides advice to the Union institutions in the areas of banking, payments and e-money regulation and supervision, and related corporate governance, auditing and financial reporting issues.

As an integral part of the European System of Financial Supervision (ESFS), the EBA works closely together with her sister authorities, the European Insurance and Occupational Pensions Authority (EIOPA) and the European Securities Market Authorities (ESMA), as well as the Joint Committee and the European Systemic Risk Board (ESRB).

Further information on the EBA is available on the EBA website: www.eba.europa.eu.

¹ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 1) and OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU) 2018/1717 of the European Parliament and of the Council of 14 November 2018..

The EBA is seeking a suitable candidate on secondment² for the position of a **Legal Officer** at its offices in Paris, France.

Job description

The European Banking Authority is seeking suitable candidates for the position of Legal Officer on secondment into the Legal Services Unit of the EBA. Under the responsibility of the Head of the Legal Services Unit, the Legal Officer will play an important role in providing legal support to the governing bodies and panels, to the management and to the core policy and operational functions of the EBA.

In particular, the Legal Officer will contribute to ensuring a sound legal environment for the EBA's overall functioning, identification and prevention of legal risks, proposal and development of solutions, in particular by providing legal analysis and support to the regulatory, supervisory convergence and risk analysis functions of the EBA.

Main responsibilities:

- Using specialist knowledge and experience to provide expert legal support for the EBA's policy and supervisory convergence activities, including advising on and drafting technical standards, guidelines, recommendations and opinions;
- Analysing and advising on the interpretation and application of existing and proposed sectoral legislation, including advising on EBA Single Rulebook Q&As;
- Providing legal analysis and advice on the EBA's tasks and powers under the EBA Regulation and sectoral legislation, including investigation of breaches of Union law and settlement of disputes between competent authorities;
- Drafting and interpretation of internal implementing rules, rules of procedure and decisions in order for the EBA to carry out its tasks and exercise its powers effectively;
- Providing and coordinating legal advice to EBA standing committees and other groups and representing the EBA at technical level and ensuring effective cooperation in their areas of responsibility with the other ESAs, EU institutions, bodies and agencies, and with competent authorities;
- Monitoring and advising on relevant developments in areas of EU law relating to the EBA's tasks and functioning;
- Liaising with external stakeholders such as competent authorities, EU institutions, agencies and bodies;
- Executing other related tasks as sought by the Head of the Legal Services Unit.

²EBA DC 304 - Decision of the Management Board on Secondment of National Experts of 13 December 2019

Requirements

1. Eligibility Criteria

To be considered eligible, candidates must satisfy all the criteria listed below, by the deadline for submitting applications:

1.1 General

- Be a national of a Member State of the European Union, of an European Free Trade Association Member State (Iceland, Liechtenstein, Norway, and Switzerland), or a country with which the Council has decided to open accession negotiations and which has concluded a specific agreement on staff secondments;
- Be entitled to his/her full rights as a citizen;
- Have a thorough knowledge of one of the official languages of the European Union³ and a satisfactory knowledge⁴ of another official language of the European Union;
- Be employed by a) a member of the ESFS (as specified in Article 2 of Regulation (EU) no. 1093/2010), b) a country with which the Council has decided to open accession negotiations and which has concluded a specific agreement on staff secondments for participation in EBA's work within the meaning of Article 75 of the Regulation, c) a public intergovernmental organisation, who are seconded to EBA so that it can use their expertise in a particular field.⁵
- Have worked for their employer on a permanent or contract basis for at least 12 months before their secondment.

1.2 Specific

1.2.1 Qualifications

To be eligible, a candidate must have a level of education which corresponds to completed university studies of at least three years attested by a diploma⁶.

1.2.2 Professional experience

In addition to above, candidates must have at least 3 years of proven fulltime professional experience in a legal function after completing the education as mentioned above.

The work experience for eligibility purposes is counted from the award of diploma up to the closing date of applications.

³ The official languages of the European Union are: Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, and Swedish.

⁴ The knowledge is required at least at B2 level. The assessment at B2 level is done in accordance with the Common European Framework of Reference for Languages (CEFR) (<http://europass.cedefop.europa.eu/sites/default/files/cefr-en.pdf>).

⁵ In accordance with Article 1 paragraph 2 of the EBA Decision on Secondment of National Experts, the Executive Director of EBA may, on a case-by-case basis, authorise the secondment of an SNE from another employer if the interests of EBA warrant bringing in specific expertise as a temporary measure.

⁶ Only qualifications awarded by EU Member State authorities or European Economic Area (EEA) authorities or qualifications recognised as equivalent by the relevant authorities will be taken into consideration. If the main studies took place outside the European Union, the candidate's qualification must have been recognised by a body delegated officially for the purpose by one of the European Union Members States (such as a national Ministry of Education) and a document attesting so must be submitted with the application by the closing date.

1.2.3 Knowledge of languages

For working purposes, as English is the working language of the EBA⁷, an excellent knowledge of the English language, both written and spoken, is required. Native English speakers will be tested to prove their second language skills, in accordance with section 1.1 of the vacancy notice.

2. Selection criteria

In addition to the above, the following selection criteria will be used:

- Proven experience of giving legal advice in areas relevant to the EBA's tasks (as set out under 'Main responsibilities' above) whether in a national or EU context;
- Proven knowledge of EU banking/payments/AML law;
- Proven experience of drafting on legal matters in English: please give specific examples of the documents you have drafted in your application.

It would be advantageous for the candidates to have French language knowledge at least at B2 level⁸.

Applications will be assessed based on the Eligibility and Selection criteria specified in sections 1 and 2 of the vacancy notice.

For this position, candidates are expected to fulfil the following competencies which may be assessed during interviews:

- Be able to investigate and analyse complex information from a wide range of sources, consider options and propose and implement effective solutions to challenging legal and practical issues;
- Be able to communicate legal issues effectively to policy and operational colleagues;
- Strong sense of responsibility, commitment and cooperation;
- Flexibility to take on new tasks in a dynamic and evolving institutional environment;
- Proactive attitude;
- Ability to work efficiently under pressure.

3. Equal opportunities

As a European Union Authority, the EBA will apply a policy of equal opportunities and will take care to avoid any form of discrimination in its recruitment procedures.

4. Selection procedure

The selection procedure will include the following:

⁷ Decision EBA DC 003 of the Management Board on Internal Language Arrangements.

⁸ See footnote 4

4.1. A selection committee will be established for each vacancy notice. Candidates invited to interviews and to sit written tests shall be informed of the composition of the selection committee in the invitation.

4.2. The selection committee will analyse the application documents (curriculum vitae, motivation letter, and eligibility criteria grid) of applicants with reference to the eligibility and selection criteria and will establish a shortlist. Shortlisted candidates may be invited to interviews and to sit written tests.

Written tests will be carried out in English and will be related to the job and designed to test the ability to communicate in written English, knowledge and competencies related to the job, and drafting skills. Total mark for written test: 10 points. The minimum score to pass: 6 points.

The interview will aim to assess the motivation and the professional knowledge of the candidates as well as their suitability to perform the duties mentioned under main responsibilities. The interview will be held in English. The total mark for the interview: 10 points. The minimum score to pass: 6 points.

Successful candidates with a total score equal to and above 12 points will be placed on the reserve list, which will be valid until **31 December 2021**. It may be renewed. Inclusion on the reserve list does not guarantee recruitment. The successful candidate will be selected from the established reserve list which may also be used for the recruitment of a similar post depending on the needs of the EBA. When a vacancy becomes available, candidates on the reserve list may be contacted for an additional interview.

Please note that the selection committee's work and deliberations are strictly confidential and that any contact with its members is strictly forbidden. Any contact made by the candidates or third parties in order to influence the members of the selection committee in relation to the selection constitutes grounds for disqualification from the selection procedure.

5. Appointment and conditions of secondment

5.1 Contract type, duration and starting date:

The successful candidate will be offered the position of Seconded National Expert **for a minimum period of 12 months** with the possibility of extension.

The estimated starting date is **1 April 2020**.

5.2 Conditions of secondment

The person to be seconded shall remain in the service of his/her employer throughout the period of secondment. The SNE's employer shall thus undertake to continue to pay the salary, to maintain the social rights, particularly social security and pension.

In accordance with the EBA Decision on secondment of national experts, an SNE shall be entitled to a daily subsistence allowance and a monthly subsistence allowance (established by the Commission each year) paid by the EBA throughout the period of secondment. The allowances are intended to cover

SNE's living expenses in the place of secondment on a flat-rate basis and shall in no circumstances be construed as remuneration paid by EBA.

These allowances are subject to the exchange rate as published monthly by the European Commission and the country correction coefficient currently applicable for France (117.7 %).

5.3 Place of secondment

The current offices of the European Banking Authority are located on Floors 24 to 27 of the EUROPLAZA, 20 Avenue André Prothin, 92927, Paris, La Défense, France.

6. Submission of Applications

Applications including a **curriculum vitae in the Europass format⁹, a motivation letter, and a filled eligibility criteria grid, dated and signed, and a statement of the employer issued by the applicant's employer** supporting his/her application for a position on secondment before the deadline should be submitted in English to the following address: EBA-Applications@eba.europa.eu **by: extended to 6 March 2020 ~~21 February 2020~~ at 12.00 noon Paris time. Please indicate the reference number of this selection, your name and surname in the subject of your email.**

EBA will disregard any application received after deadline. Applicants are strongly advised not to wait until the last day to submit their applications, since heavy internet traffic or fault with the internet connection could lead to difficulties in submission. The EBA cannot be held responsible for any delay due to such difficulties.

Only complete applications will be accepted and considered. In order for the application to be considered complete candidates must send all documents: curriculum vitae in the Europass format, motivation letter, eligibility criteria grid dated and signed, a copy of the document formally recognising your qualification within the EU, if applicable, (see footnote 6) before the deadline and **a statement of the employer issued by the applicant's employer** (as defined in section 1.1. of the vacancy notice, fourth bullet point) and supporting his/her application for a position on secondment before the deadline.

Candidates should assess and check before submitting their application whether they fulfil all the requirements as specified in the vacancy notice, particularly in terms of qualifications and relevant professional experience.

Professional experience indicated on the curriculum vitae is only counted from the time the candidate obtained the certificate or diploma required for the position and if it is on a paid basis (including study grants or internship grants). PhDs may be counted as professional experience if the candidate received a study grant or salary during the period of the PhD studies. The maximum duration counted for a PhD is three years provided that the PhD has been successfully concluded by the closing date for applications of the selection procedure.

⁹ <http://www.eba.europa.eu/about-us/careers/practical-information>

Start and end dates of all previous positions and whether they were full time or part time must be indicated on the curriculum vitae. Freelance or self-employed candidates must provide either a copy of the entry in the relevant trade register, or any official document (for example a tax return document) showing clearly the length of the relevant professional experience. Details of any professional experience, training, research or studies must be given on the application form. Candidates must be able to provide of supporting documents clearly showing duration and nature of experience upon request.

The address indicated on the curriculum vitae will be used as the location from which the candidates invited to interviews travel.

At this stage, please do not send supporting documents (copies of ID cards, passports, diplomas, etc.) unless it is to demonstrate the recognition of your qualification within the EU, if applicable, (see footnote 6)

7. Data protection

EBA will ensure that candidates' personal data are processed as required by Regulation (EU) 2018/1725¹⁰. This applies in particular to the confidentiality and security of such data.

8. Appeal Procedure

Candidates who consider that their interests have been prejudiced by any decision related to the selection procedure can take the following actions:

8.1 Request for review of the decisions taken by the Selection Committee

Within ten days of the date of the letter notifying the candidate of a decision taken by the Selection Committee, he/she may submit a written request for a review of such a decision, setting out the reasons for the request, to the following e-mail address: vacancies@eba.europa.eu.

8.2 Appeals

a) The candidate may lodge a complaint under Article 90(2) of the Staff Regulations within the time limits provided for, at the following address:

The Executive Director
European Banking Authority
Selection procedure: **Ref. LEG SEC 1/2020**
DEFENSE 4 – EUROPLAZA
20 Avenue André Prothin

¹⁰ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39)

CS 30154
92927 Paris La Défense CEDEX
France

b) The candidate can submit a judicial appeal to the General Court under Article 270 of the Treaty on the Functioning of the European Union and Article 91 of the Staff Regulations.

For details of how to submit an appeal, please consult the website of the General Court:
<http://curia.europa.eu/>

8.3 Complaint to the European Ombudsman

It is also possible to lodge a complaint to the European Ombudsman pursuant to Article 228(1) of the Treaty on the Functioning of the European Union and in accordance with the conditions laid down in the Decision of the European Parliament of 9 March 1994 on the Staff Regulations and the general conditions governing the performance of the European Ombudsman's duties¹¹.

For details of how to lodge a complaint, please consult the website of the European Ombudsman:
<http://www.ombudsman.europa.eu/>

Please note that complaints made to the European Ombudsman have no suspensive effect on the period laid down in Articles 90(2) and 91 of the Staff Regulations for lodging, respectively, a complaint or an appeal with the General Court. Furthermore under Article 2(4) of the general conditions governing the performance of the European Ombudsman's duties, any complaint lodged with the European Ombudsman must be preceded by the appropriate administrative approaches to the institutions and bodies concerned.

¹¹ OJ L 113 of 4 May 1994.